

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ABN AMRO BANK (IRELAND), LTD, (f/k/a  
FORTIS PRIME FUND SOLUTIONS BANK  
(IRELAND) LIMITED) and ABN AMRO  
CUSTODIAL SERVICES (IRELAND), LTD  
(f/k/a FORTIS PRIME FUND SOLUTIONS  
CUSTODIAL SERVICES (IRELAND) LTD.),

Defendants.

Adv. Pro. No. 10-05355 (CGM)

**ORDER DENYING DEFENDANTS' MOTION TO DISMISS COMPLAINT**

ABN AMRO Bank (Ireland), Ltd. (f/k/a Fortis Prime Fund Solutions Bank (Ireland) Limited) and ABN AMRO Custodial Services (Ireland), Ltd (f/k/a Fortis Prime Fund Solutions Custodial Services (Ireland) Ltd.)'s (collectively, "Defendants") filed a motion to dismiss the

Second Amended Complaint (the “Complaint”) under Bankruptcy Rule 7012(b) and Federal Rule of Civil Procedure 12(b)(6) (the “Motion”) on August 19, 2022. The Motion came on for hearing before the Court on February 15, 2023 (the “Hearing”). The Court has considered the Motion, the papers filed in support of and in opposition to the Motion, the Complaint, and the statements of counsel at the Hearing, and the Court has issued a memorandum decision, dated March 28, 2023, regarding the Motion (the “Decision”). Based on the record in this adversary proceeding, including the Decision, **IT IS ORDERED:**

1. The Motion to dismiss the Complaint is denied.
2. The deadline for Defendants to file an answer to the Complaint is May 26, 2023.
3. The Court shall retain jurisdiction to implement or enforce this Order.

**Dated: April 3, 2023**  
**Poughkeepsie, New York**



**/s/ Cecelia G. Morris**

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**Hon. Cecelia G. Morris**  
**U.S. Bankruptcy Judge**